



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

DEC 19 2018

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

REPLY TO THE ATTENTION OF:

Jeremy Hassevoort
Reliable Road Service, Inc.
1923 M40
Holland, Michigan 49423

Re: Finding of Violation for Clean Air Act Violations

Dear Mr. Hassevoort:

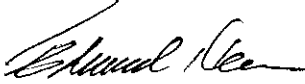
The U.S. Environmental Protection Agency is issuing the enclosed Finding of Violation (FOV) to Reliable Road Service, Inc. (Reliable or you) for violating Sections 203(a)(3)(A) and (B) of the Clean Air Act (CAA), 42 U.S.C. §§ 7522(a)(3)(A) and (B). As summarized in the attached FOV, EPA determined that Reliable removed and/or rendered inoperative devices or elements of design installed on or in motor vehicles or motor vehicle engines, and has installed parts or components for motor vehicle engines that bypass, defeat, or render inoperative elements of design of those engines that were installed by the original equipment manufacturer in order to comply with CAA emission standards.

We are offering you an opportunity to confer with us about the violations alleged in the FOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply and the steps you will take to prevent future violations. In addition, in order to make the conference more productive, we encourage you to submit to us any information responsive to the FOV prior to the conference date. We have also enclosed an information sheet titled: "*U.S. EPA Small Business Resources*" which may be helpful if you qualify as a small business.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Cody Yarbrough. You may call him at (312) 886-9137 to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Edward Nam", written in a cursive style.

Edward Nam
Director
Air and Radiation Division

Enclosure

1. Title II of the CAA, 42 U.S.C. §§ 7521–7554, was enacted to reduce air pollution from mobile sources. In enacting the CAA, Congress found, in part, that “the increasing use of motor vehicles...has resulted in mounting dangers to the public health and welfare.” CAA § 101(a)(2), 42 U.S.C. § 7401(a)(2).
2. Section 216(2) of the CAA defines “motor vehicle” as “any self-propelled vehicle designed for transporting persons or property on a street or highway.” *See also* 40 C.F.R. § 85.1703 (further defining “motor vehicle”). These definitions are based on vehicle attributes (e.g., ability to travel over 25 miles per hour, lack of features that render street use unsafe) and make no exemption for vehicles based on their use (e.g., claim that a vehicle is used solely for competition).
3. EPA promulgated emission standards for particulate matter (PM), nitrogen oxides (NO_x), and other pollutants emitted by motor vehicles and motor vehicle engines, including Heavy Duty Diesel Engine (HDDE) trucks, under Section 202 of the CAA, 42 U.S.C. § 7521. *See generally* 40 C.F.R. Part 86. HDDE emission standards “reflect the greatest degree of emission reduction achievable through the application of [available] technology.” CAA § 202(a)(3)(A)(i), 42 U.S.C. § 7521(a)(3)(A)(i).
4. Section 203(a)(1) of the CAA, 42 U.S.C. § 7522(a)(1), prohibits a vehicle manufacturer from selling a new motor vehicle in the United States unless the vehicle is covered by a certificate of conformity. EPA issues certificates of conformity to vehicle and engine manufacturers under Section 206(a) of the CAA, 42 U.S.C. § 7525(a), to certify that a particular group of motor vehicles and motor vehicle engines conform to applicable EPA requirements governing motor vehicle emissions. The certificate of conformity will

include, among other things, a description of the HDDEs, their emission control systems, all auxiliary emission control devices and the engine parameters monitored.

5. To meet the emission standards in 40 C.F.R. Part 86, HDDE manufacturers employ many devices and elements of design. "Element of design" means "any control system (i.e., computer software, electronic control system, emission control system, computer logic), and/or control system calibrations, and/or the results of systems interaction, and/or hardware items on a motor vehicle or motor vehicle engine." 40 C.F.R. § 86.094-2.
6. One element of design that HDDE manufacturers employ is retarded fuel injection timing as a primary emission control strategy for NO_x emissions. Common emission control devices used by HDDE manufacturers to meet emission standards include exhaust gas recirculation (EGR) systems, diesel oxidation catalysts (DOCs), diesel particulate filters (DPFs), and/or selective catalytic reduction (SCR) systems. Additionally, modern HDDEs are equipped with electronic control modules (ECMs), which continuously monitor engine and other operating parameters and control the emission control devices.
7. EPA promulgated regulations for motor vehicles manufactured after 2007 that require HDDE trucks to have onboard diagnostic systems to detect various emission control device parameters and vehicle operations. *See* Section 202(m) of the CAA, 42 U.S.C. § 7521(m) and 40 C.F.R. § 86.010-18.
8. Section 203(a)(3)(A) of the CAA, 42 U.S.C. § 7522(a)(3)(A), prohibits "any person to remove or render inoperative any device or element of design installed on or in a motor vehicle or motor vehicle engine in compliance with regulations under [Title II of the CAA] prior to its sale and delivery to the ultimate purchaser, or for any person knowingly to remove or render inoperative any such device or element of design after such sale and delivery to the ultimate purchaser."
9. Section 203(a)(3)(B), of the CAA, 42 U.S.C. § 7522(a)(3)(B), prohibits "any person to manufacture or sell, or offer to sell, or install, any part or component intended for use with, or as part of, any motor vehicle or motor vehicle engine, where a principal effect of the part or component is to bypass, defeat, or render inoperative any device or element of design installed on or in a motor vehicle or motor vehicle engine in compliance with regulations under [Title II of the CAA], and where the person knows or should know that such part or component is being offered for sale or installed for such use or put to such use."

Background

10. Reliable owns and operates a HDDE service and repair facility located in Holland, Michigan ("Facility") at which it sells parts or components intended for use with HDDEs and performs, among other things, performance modifications to HDDEs.
11. Reliable is a "person," as defined in Section 302(e) of the CAA, 42 U.S.C. § 7602(e).

12. On April 9, 2018, EPA representatives conducted an inspection of the Facility to evaluate the company's compliance with Title II of the CAA.
13. On June 25, 2018, EPA issued to Reliable a request for information under Section 208 of the CAA, 42 U.S.C. § 7542, requesting documents related to services and/or parts or components manufactured, sold, or installed by Reliable on HDDEs.
14. On July 30, 2018, Reliable provided to EPA documents related to its purchases, sales, and work that impacted emission control devices and elements of design on HDDEs certified to meet applicable motor vehicle and motor vehicle engine emission standards under Title II of the CAA.
15. On September 13, 2018, Reliable provided to EPA invoices related to its sales and work that impacted emission control devices and elements of design on HDDEs certified to meet applicable motor vehicle and motor vehicle engine emission standards under Title II of the CAA.
16. Reliable provided at least 239 work records that showed that Reliable sold and/or installed tuners or tunes consisting of software and/or devices that change, affect, modify, bypass, render inoperative, or allow for the deletion of EGR, DOC, DPF, and/or SCR systems, and/or OBD codes, sensors, signals, or records related to these systems; and/or alter ECM fuel or ignition timing maps on HDDEs ("Defeat Tuners or Tunes"). These work records range from January 19, 2016, through May 15, 2018. The invoices for this work are summarized in Attachment A. The Defeat Tuners or Tunes sold and/or installed by Reliable were manufactured and/or provided by Performance Diesel, Inc.
17. Reliable provided at least 220 work records that showed it sold and/or installed kits ("Delete Kits") containing parts and/or exhaust systems that remove and/or bypass EGR, DOC, DPF, and/or SCR systems on HDDEs. These work records range from January 19, 2016 through June 18, 2018. The invoices for this work are summarized in Attachment A.

Violations

18. Based on the information described above, Reliable knowingly removed and/or rendered inoperative devices or elements of design installed in or on EPA-certified HDDEs that were installed by the original equipment manufacturer in compliance with CAA emissions standards. Specifically, Reliable installed or modified software on the HDDE's ECM to allow the HDDEs to operate without a EGR, DOC, DPF, and/or SCR, and installed hardware that removed and/or bypassed EGR, DOC, DPF, and/or SCR systems. Therefore, Reliable is in violation of Section 203(a)(3)(A) of the CAA, 42 U.S.C. § 7522(a)(3)(A).
19. Based on the information described above, Reliable sold, offered for sale, and/or installed parts and components used on EPA-certified HDDEs. A principal effect of these parts and components was to bypass, defeat, or render inoperative elements of the HDDEs' design that control emissions of regulated air pollutants. Specifically, the parts and

components bypassed, removed and/or rendered inoperative EGRs, DOCs, DPFs, and/or SCRs installed on HDDEs. Reliable knew or should have known that these parts or components were offered for sale or installed for such use or put to such use. Therefore, Reliable is in violation of Section 203(a)(3)(B) of the CAA, 42 U.S.C. § 7522(a)(3)(B).

Environmental Impact of Violations

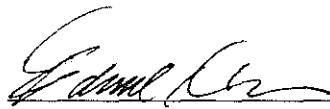
20. These violations may result in excess emissions of PM, NO_x, hydrocarbons, and other air pollutants and contribute to increased ground level ozone concentrations. PM, especially fine particulates containing microscopic solids or liquid droplets, can get deep into the lungs and cause serious health problems, including decreased lung function; chronic bronchitis; and aggravated asthma. Additionally, current scientific evidence links short-term NO_x exposures, ranging from 30 minutes to 24 hours, with adverse respiratory effects including airway inflammation in healthy people and increased respiratory symptoms in people with asthma. Exposure to ground-level ozone can also reduce lung function and inflame lung tissue; repeated exposure may permanently scar lung tissue.

Enforcement Authority

21. EPA may bring an enforcement action for these violations under its administrative authority or by referring this matter to the United States Department of Justice with a recommendation that a civil complaint be filed in federal district court. CAA §§ 204 and 205, 42 U.S.C. §§ 7523 and 7524. Any person who violates Section 203(a)(3)(A) and (a)(3)(B) of the CAA, 42 U.S.C. § 7522(a)(3)(A) and (a)(3)(B), is subject to an injunction under Section 204 of the CAA, 42 U.S.C. § 7523, and a civil penalty of up to \$4,619 for each violation under Section 205(a) of the CAA, 42 U.S.C. § 7524(a), and 40 C.F.R. § 19.4.

Date

12/9/18



Edward Nam

Director

Air and Radiation Division

Attachment A

Date	Invoice No.	Was a Delete Kit(s) Sold/Installed?	Was a Defeat Tuner or Tune(s) Sold/Installed?
1/19/2016	11916	Yes	Yes
1/25/2016	101876	Yes	Yes
2/12/2016	101944	No	Yes
2/22/2016	101956	Yes	Yes
2/24/2016	101928	Yes	Yes
2/29/2016	101930	Yes	Yes
3/4/2016	101968	Yes	Yes
3/7/2016	101979	Yes	No
3/22/2016	101237	Yes	Yes
3/31/2016	101289	Yes	Yes
4/5/2016	101248	Yes	Yes
4/15/2016	101303	Yes	Yes
4/18/2016	41816	Yes	Yes
4/21/2016	101308	Yes	Yes
4/29/2016	101315	Yes	No
5/5/2016	50516	Yes	No
5/11/2016	10396	Yes	Yes
5/23/2016	11449	Yes	Yes
5/23/2016	101435	No	Yes
6/9/2016	60916	No	Yes
6/10/2016	101448	Yes	No
6/13/2016	101463	Yes	Yes
6/14/2016	94202	No	Yes
6/17/2016	101470	Yes	Yes
6/20/2016	101462	Yes	Yes
6/29/2016	102072	No	Yes
7/11/2016	62316	Yes	No
7/15/2016	102018	Yes	No
7/25/2016	95279	No	Yes
7/26/2016	102061	Yes	Yes
7/26/2016	102098	Yes	Yes
7/29/2016	72916	No	Yes
7/29/2016	102034	Yes	No
8/2/2016	102108	No	Yes
8/4/2016	102117	No	Yes
8/5/2016	102119	Yes	Yes
8/8/2016	102058	Yes	Yes
8/12/2016	102138	No	Yes
8/20/2016	102116	Yes	No

Date	Invoice No.	Was a Delete Kit(s) Sold/Installed?	Was a Defeat Tuner or Tune(s) Sold/Installed?
8/22/2016	8222016	Yes	Yes
8/27/2016	102173	Yes	Yes
8/29/2016	1516	No	Yes
8/31/2016	102210	Yes	No
9/1/2016	102145	Yes	Yes
9/1/2016	102158	Yes	Yes
9/1/2016	102179	Yes	Yes
9/1/2016	102145	Yes	Yes
9/2/2016	102213	No	Yes
9/6/2016	102221	Yes	No
9/7/2016	102222	Yes	Yes
9/8/2016	102223	No	Yes
9/9/2016	102271	No	Yes
9/13/2016	102235	Yes	Yes
9/19/2016	102238	Yes	Yes
9/23/2016	102249	Yes	Yes
9/26/2016	102295	Yes	Yes
9/27/2016	102291	No	Yes
9/27/2016	102301	Yes	Yes
9/27/2016	102296	No	Yes
9/27/2016	102297	No	Yes
10/3/2016	2723	Yes	No
10/4/2016	102266	Yes	Yes
10/7/2016	102314	No	Yes
10/10/2016	102341	Yes	Yes
10/13/2016	102357	Yes	No
10/13/2016	102351	No	Yes
10/13/2016	102358	No	Yes
10/18/2016	102331	Yes	Yes
10/20/2016	102362	No	Yes
10/25/2016	102369	Yes	Yes
11/11/2016	102435	Yes	Yes
11/14/2016	102446	No	Yes
11/16/2016	102453	Yes	Yes
11/17/2016	102477	Yes	Yes
11/22/2016	102485	Yes	Yes
11/23/2016	102459	Yes	Yes
11/25/2016	102550	No	Yes
11/28/2016	102460	Yes	Yes
11/28/2016	102479	Yes	Yes
12/1/2016	102517	Yes	Yes

Date	Invoice No.	Was a Delete Kit(s) Sold/Installed?	Was a Defeat Tuner or Tune(s) Sold/Installed?
12/5/2016	102577	Yes	Yes
12/6/2016	102510	Yes	Yes
12/7/2016	102551	No	Yes
12/8/2016	102555	Yes	Yes
12/8/2016	102558	No	Yes
12/13/2016	102567	Yes	Yes
12/19/2016	102579	Yes	Yes
12/26/2016	102668	Yes	Yes
12/27/2016	102672	Yes	Yes
12/30/2016	102607	Yes	Yes
1/3/2017	102689	Yes	Yes
1/6/2017	102700	Yes	Yes
1/9/2017	102701	Yes	Yes
1/10/2017	102696	Yes	Yes
1/16/2017	102635	Yes	Yes
1/16/2017	102735	Yes	No
1/18/2017	10782	Yes	Yes
1/18/2017	10784	Yes	Yes
1/20/2017	10785	Yes	Yes
1/23/2017	102747	Yes	Yes
1/23/2017	102744	Yes	Yes
1/24/2017	102746	Yes	Yes
1/25/2017	102855	Yes	Yes
2/8/2017	102776	Yes	Yes
2/16/2017	102886	Yes	No
2/16/2017	102885	Yes	Yes
2/20/2017	102893	Yes	Yes
2/21/2017	102895	Yes	No
2/21/2017	102781	Yes	No
2/23/2017	102901	Yes	Yes
2/24/2017	102897	Yes	Yes
2/28/2017	102905	Yes	Yes
3/6/2017	102833	Yes	Yes
3/10/2017	102921	Yes	No
3/10/2017	102920	Yes	Yes
3/13/2017	102922	Yes	Yes
3/13/2017	102923	Yes	Yes
3/17/2017	102935	Yes	Yes
3/21/2017	102719	No	Yes
3/23/2017	102916	Yes	Yes
3/23/2017	102729	Yes	No

Date	Invoice No.	Was a Delete Kit(s) Sold/Installed?	Was a Defeat Tuner or Tune(s) Sold/Installed?
3/31/2017	103009	Yes	Yes
4/4/2017	103058	Yes	Yes
4/10/2017	103023	No	Yes
4/12/2017	103072	Yes	Yes
4/14/2017	10811	Yes	Yes
4/19/2017	103078/3483	Yes	Yes
4/28/2017	103123	Yes	Yes
4/28/2017	103124	Yes	Yes
5/1/2017	3610	Yes	Yes
5/1/2017	103092	Yes	Yes
5/1/2017	103065	Yes	Yes
5/2/2017	103093	Yes	Yes
5/3/2017	103091	Yes	Yes
5/9/2017	103083	Yes	Yes
5/11/2017	103111	Yes	Yes
5/11/2017	103131	Yes	Yes
5/15/2017	3654	Yes	Yes
5/30/2017	103136	Yes	Yes
6/6/2017	103189	Yes	Yes
6/14/2017	103236	No	Yes
6/16/2017	103204	Yes	Yes
6/23/2017	3762	Yes	Yes
6/26/2017	103241	Yes	Yes
6/30/2017	103216	Yes	Yes
6/30/2017	102730	No	Yes
7/1/2017	103271	Yes	Yes
7/6/2017	103199	Yes	Yes
7/6/2017	10897	Yes	Yes
7/11/2017	103265	Yes	Yes
7/14/2017	103293	Yes	Yes
7/19/2017	103299	Yes	Yes
7/19/2017	103289	Yes	Yes
7/23/2017	103305	Yes	Yes
7/25/2017	1033368	Yes	Yes
7/26/2017	103365	Yes	No
7/28/2017	103376	Yes	Yes
8/1/2017	103317	Yes	Yes
8/1/2017	103378	Yes	Yes
8/2/2017	103377	Yes	Yes
8/3/2017	103379	No	Yes
8/15/2017	103508	Yes	Yes

Date	Invoice No.	Was a Delete Kit(s) Sold/Installed?	Was a Defeat Tuner or Tune(s) Sold/Installed?
8/31/2017	103364	Yes	Yes
9/8/2017	103438	Yes	Yes
9/13/2017	103469	Yes	Yes
9/18/2017	11003	No	Yes
9/18/2017	103471	Yes	Yes
9/28/2017	103387	Yes	No
10/3/2017	103535	Yes	Yes
10/3/2017	103533	Yes	No
10/6/2017	103539	Yes	Yes
10/9/2017	15674	Yes	No
10/16/2017	103544	Yes	Yes
10/17/2017	103595	Yes	Yes
10/17/2017	103592	No	Yes
10/18/2017	103588	No	Yes
10/23/2017	103611	Yes	No
10/25/2017	103591	Yes	Yes
10/26/2017	103609	Yes	Yes
10/27/2017	103615	Yes	Yes
10/27/2017	103616	No	Yes
10/27/2017	103605	Yes	Yes
10/27/2017	103614	Yes	Yes
10/30/2017	103618	Yes	Yes
10/31/2017	103619	Yes	Yes
11/1/2017	103603	Yes	Yes
11/1/2017	103626	Yes	Yes
11/1/2017	103623	Yes	Yes
11/1/2017	103560	Yes	Yes
11/3/2017	103628	Yes	Yes
11/7/2017	15864	Yes	Yes
11/13/2017	4375	No	Yes
11/13/2017	103658	Yes	Yes
11/14/2017	103660	Yes	No
11/14/2017	103654	Yes	Yes
11/14/2017	103661	Yes	Yes
11/20/2017	103666	Yes	Yes
11/20/2017	103662	Yes	Yes
11/27/2017	103722	Yes	Yes
11/27/2017	103725	Yes	Yes
11/28/2017	103721	Yes	Yes
11/28/2017	103723	Yes	Yes
12/8/2017	103724	Yes	Yes

Date	Invoice No.	Was a Delete Kit(s) Sold/Installed?	Was a Defeat Tuner or Tune(s) Sold/Installed?
12/8/2017	103725	Yes	Yes
12/15/2017	10700	No	Yes
12/18/2017	10699	Yes	Yes
12/18/2017	11029	Yes	Yes
12/19/2017	11032	Yes	Yes
12/19/2017	103757	Yes	Yes
12/19/2017	11035	Yes	Yes
12/19/2017	10702	Yes	Yes
12/21/2017	103764	Yes	Yes
12/22/2017	4873/10701	Yes	Yes
12/27/2017	11042	Yes	Yes
12/27/2017	11040	Yes	Yes
12/27/2017	11041	No	Yes
12/28/2017	11039	Yes	Yes
1/2/2018	16113	Yes	Yes
1/3/2018	11049	No	Yes
1/8/2018	11045	Yes	Yes
1/9/2018	11152	Yes	Yes
1/9/2018	11153	No	Yes
1/10/2018	11158	No	Yes
1/12/2018	1148	Yes	Yes
1/17/2018	11210	No	Yes
1/19/2018	11215	No	Yes
1/22/2018	11217	No	Yes
1/22/2018	11216	No	Yes
1/27/2018	11259	Yes	Yes
1/30/2018	11264	Yes	No
2/3/2018	2	Yes	Yes
2/5/2018	10719	Yes	No
2/8/2018	11327	Yes	Yes
2/8/2018	11	Yes	Yes
2/9/2018	11328	No	Yes
2/12/2018	15	Yes	No
2/20/2018	28	Yes	Yes
2/21/2018	44	Yes	Yes
2/26/2018	57	Yes	Yes
3/2/2018	87	Yes	No
3/5/2018	11368	Yes	No
3/6/2018	11369	Yes	Yes
3/6/2018	11370	No	Yes
3/8/2018	11371	No	Yes

Date	Invoice No.	Was a Delete Kit(s) Sold/Installed?	Was a Defeat Tuner or Tune(s) Sold/Installed?
3/15/2018	11381	Yes	No
3/15/2018	127	Yes	Yes
3/15/2018	11382	Yes	Yes
3/21/2018	4596	No	Yes
3/23/2018	11383	Yes	No
3/26/2018	161	Yes	No
3/26/2018	11384	No	Yes
3/27/2018	11344	Yes	Yes
3/29/2018	181	Yes	No
3/29/2018	11275	No	Yes
3/30/2018	11276	Yes	Yes
3/30/2018	184	Yes	No
3/30/2018	11278	No	Yes
3/30/2018	11279	No	Yes
4/2/2018	11280	Yes	Yes
4/4/2018	9774	Yes	Yes
4/11/2018	9777	Yes	Yes
4/11/2018	9778	Yes	No
4/12/2018	225	Yes	Yes
4/12/2018	9779	No	Yes
4/16/2018	41618	No	Yes
4/17/2018	9782	Yes	Yes
4/17/2018	9783	No	Yes
4/19/2018	8215	No	Yes
4/20/2018	8217	No	Yes
4/25/2018	4662	Yes	Yes
4/30/2018	8221	Yes	Yes
4/30/2018	8222	Yes	Yes
5/3/2018	281	Yes	No
5/4/2018	287	Yes	No
5/9/2018	8231	No	Yes
5/15/2018	8233	No	Yes
5/21/2018	348	Yes	No
5/30/2018	378	Yes	No
6/18/2018	447	Yes	No

CERTIFICATE OF MAILING

I certify that I sent a Finding of Violation, No. EPA-5-19-MI-03, by Certified Mail,
Return Receipt Requested, to:

Jeremy Hassevoort
Reliable Road Service, Inc.
1923 M40
Holland, MI 49423

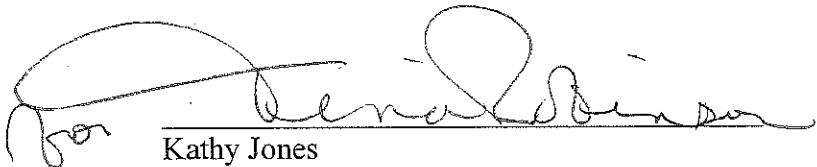
I also certify that I sent copies of the Finding of Violation by email to:

Jenine Camilleri
Enforcement Unit Supervisor
Grand Rapids Air Quality Division
Michigan Department of Environmental Quality
CamilleriJ@michigan.gov

And

Heidi Hollenbach
District Supervisor
Grand Rapids Air Quality Division
Michigan Department of Environmental Quality
hollenbachh@michigan.gov

On the 20th day of December 2018.



Kathy Jones
Program Technician
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 0170660000036618373

